

Jay SHEERER et al.
Reissue Application of Patent No. 6,375,796

REMARKS

An entire set of the claims, as currently amended, is being submitted in accordance with 37 C.F.R. §1.121(c) ("Each amendment document that includes a change to an existing claim, . . . or addition of a new claim, must include a complete listing of all claims ever presented . . . in the application."). *See also* 37 C.F.R. §1.173(b)(2).

Examiner Walls requested that the claims of the patent under reissue (US Patent 6,129,816) be substituted for the claims originally submitted with the reissue application. The claims originally submitted with the reissue application included the amended claims, which are now being resubmitted by way of a revised preliminary amendment.

The claims submitted by this amendment are substantively identical to the claims of the original reissue application.

In addition, the Examiner requested that the remarks from the earlier filed "Status of the Claims" be included in this remarks section as follows:

1. Claim 1 is pending and has been amended to delete the phrase "the steps of" to avoid any inference that the claim is in "means plus step format". The specification supports amended claim 1 at, for example, column 3, lines 18-36 of the '816 Patent. By making this change, applicant does not admit that claim 1 or any claim in the original patent grant was in "means plus step" format.

2. Claims 2 to 8 are pending and are not currently amended in this reissue application.

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3. Claim 9 is pending and has been amended to delete the phrase "the steps of" to avoid any inference that the claim is in "means plus step format". The specification supports amended claim 9 at, for example, column 3, lines 42-45.

4. Claims 10 and 11 are pending and are not currently amended in this reissue application.

5. Claim 12 is pending and has been amended to delete the phrase "the steps of" to avoid any inference that the claim is in "means plus step format". The specification supports amended claim 12 at, for example, column 3, lines 42-45.

6. Claim 13 is pending and has been amended to: (i) delete the phrase "the steps of" to avoid any inference that the claim is in "means plus step format" and (ii) to delete the phrase "having a substantially constant screen surface opening size" in step (b) of that claim. The specification supports amended claim 13 at, for example, column 4, lines 23-40; column 7, lines 15-35 and associated Figure 4A which shows slots 51 with parallel slot sides, and at column 7, lines 1-5, which states that it is "highly desirable" – but not essential – for the screen surfaces to have a constant opening size. Further, the '816 Patent discloses the use of "substantially rectangular" screening bars (col. 7, lines 53-54) which when arranged to form a tapered screen may define screen slots having a slightly expanding screen size along the flow direction due to the increase in diameter of the tapered screen from the top to bottom.

7. Claims 14 to 17 are pending and are not currently amended in this reissue application.

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8. Claim 18 is newly added by this reissue application and is support by the '816 Patent at, for example, column 4, lines 23-40 and at column 3, line 2.

9. Claim 19 is newly added by this reissue application and is support by the '816 Patent at, for example, column 4, lines 38-39.

10. Claim 20 is newly added by this reissue application and is support by the '816 Patent at, for example, column 5, lines 7-10 and column 5, line 66 to column 6, line 15.

11. Claim 21 is newly added by this reissue application and is support by the '816 Patent at, for example, column 5, lines 12 – 16 and column 7, line 38 – 50.

12. Claim 22 is newly added by this reissue application and is support by the '816 Patent at, for example, column 4, lines 23-40 and at column 3, line 2.

13. Claim 23 is newly added by this reissue application and is support by the '816 Patent at, for example, column 4, lines 23-40; column 3, line 2; column 5, lines 7-10 and column 5, line 66 to column 6, line 15.

14. Claim 24 is newly added by this reissue application and is support by the '816 Patent at, for example, Figure 3 that shows a length of the cylindrical shell 13 between the transitions 14, 15 and 16 as substantially longer than each of the transitions 14, 15 and 16.

15. Claim 25 is newly added by this reissue application and is support by the '816 Patent at, for example, column 4, lines 38-39.

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16. Claim 26 is newly added by this reissue application and is support by the '816 Patent at, for example, column 6, lines 54-60.

17. Claim 27 is newly added by this reissue application and is support by the '816 Patent at, for example, column 7, lines 47-50.

Claim 28 is newly added by this reissue application and is support by the '816 Patent at, for example, column 7, lines 52-55.

All claims are in good condition for allowance. If any small matter remains outstanding, the Examiner is requested to telephone the undersigned. Prompt reconsideration and allowance of this application is requested.

Respectfully submitted,

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FACSIMILE CERTIFICATE
I hereby certify that this Preliminary
Amendment is being transmitted by
facsimile to the Patent and Trademark
Office on March 18, 2005, specifically
to 703-872-9306.